

Volume 26, Number 11  
Pages 1119-1250  
June 1, 2001



**MATT BLUNT**

**SECRETARY OF STATE**

MISSOURI  
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

**SECRETARY OF STATE**

**MAT T BLUNT**

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

LYNNE C. ANGLE

•

ADMINISTRATIVE STAFF

SANDY SANDERS

SARAH STROBEL

•

EDITORS

BARBARA McDOUGAL

KATHREN CHOATE

•

ASSOCIATE EDITORS

JAMES McCLURE

SALLY L. REID

CURTIS W. TREAT

•

PUBLISHING STAFF

WILBUR HIGHBARGER

CARLA HERTZING

JOHN STEGMANN

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

**MISSOURI REGISTER**

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://mosl.sos.state.mo.us/moreg/moreg.htm> and the CSR is <http://mosl.sos.state.mo.us/csr/csr.htm>. These web sites contain rulemakings and regulations as they appear in the Registers and CSR. These web sites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo 2000. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



## IN THIS ISSUE:

### FROM THIS ANGLE

News from Administrative Rules . . . . .1123

### EMERGENCY RULES

**Department of Public Safety**  
 Division of Fire Safety . . . . .1125  
**Department of Health**  
 Division of Administration . . . . .1126

### PROPOSED RULES

**Department of Agriculture**  
 Weights and Measures . . . . .1129  
**Department of Conservation**  
 Conservation Commission . . . . .1129  
**Department of Economic Development**  
 Division of Credit Unions . . . . .1159  
 Public Service Commission . . . . .1160  
**Department of Natural Resources**  
 Division of Geology and Land Survey . . . . .1163  
**Department of Public Safety**  
 Division of Fire Safety . . . . .1173  
**Department of Social Services**  
 Child Support Enforcement . . . . .1173  
 Missouri Board of Nursing Home Administrators . . . . .1180  
**Retirement Systems**  
 The County Employees' Retirement Fund . . . . .1184  
**Department of Health**  
 Division of Administration . . . . .1184

### ORDERS OF RULEMAKING

**Office of Administration**  
 Administrative Hearing Commission . . . . .1187  
**Department of Conservation**  
 Conservation Commission . . . . .1196

### Department of Elementary and Secondary Education

Vocational and Adult Education . . . . .1197  
 Vocational Rehabilitation . . . . .1197

### Department of Labor and Industrial Relations

Division of Employment Security . . . . .1197

### Department of Natural Resources

Public Drinking Water Program . . . . .1197

### Department of Revenue

Director of Revenue . . . . .1208

### Department of Social Services

Division of Aging . . . . .1208

### Department of Insurance

General Administration . . . . .1210  
 Financial Examination . . . . .1211  
 Property and Casualty . . . . .1211

### IN ADDITIONS

#### Department of Economic Development

Division of Credit Unions . . . . .1212

#### Department of Health

Missouri Health Facilities Review Committee . . . . .1212

#### CONSTRUCTION TRANSIENT EMPLOYERS . . . . .1214

### BID OPENINGS

#### Office of Administration

Division of Purchasing . . . . .1228

**RULE CHANGES SINCE UPDATE** . . . . .1229  
**EMERGENCY RULES IN EFFECT** . . . . .1238  
**REGISTER INDEX** . . . . .1240

Register Filing Deadlines	Register Publication	Code Publication	Code Effective
March 1, 2001	<b>April 2, 2001</b>	April 30, 2001	May 30, 2001
March 15, 2001	<b>April 16, 2001</b>	April 30, 2001	May 30, 2001
March 30, 2001	<b>May 1, 2001</b>	May 31, 2001	June 30, 2001
April 13, 2001	<b>May 15, 2001</b>	May 31, 2001	June 30, 2001
May 1, 2001	<b>June 1, 2001</b>	June 30, 2001	July 30, 2001
May 15, 2001	<b>June 15, 2001</b>	June 30, 2001	July 30, 2001
June 1, 2001	<b>July 2, 2001</b>	July 31, 2001	Aug. 30, 2001
June 15, 2001	<b>July 16, 2001</b>	July 31, 2001	Aug. 30, 2001
June 29, 2001	<b>Aug. 1, 2001</b>	Aug. 31, 2001	Sept. 30, 2001
July 13, 2001	<b>Aug. 15, 2001</b>	Aug. 31, 2001	Sept. 30, 2001
Aug. 1, 2001	<b>Sept. 4, 2001</b>	Sept. 30, 2001	Oct. 30, 2001
Aug. 15, 2001	<b>Sept. 17, 2001</b>	Sept. 30, 2001	Oct. 30, 2001
Aug. 31, 2001	<b>Oct. 1, 2001</b>	Oct. 31, 2001	Nov. 30, 2001
Sept. 14, 2001	<b>Oct. 15, 2001</b>	Oct. 31, 2001	Nov. 30, 2001
Oct. 2, 2001	<b>Nov. 1, 2001</b>	Nov. 30, 2001	Dec. 30, 2001
Oct. 16, 2001	<b>Nov. 15, 2001</b>	Nov. 30, 2001	Dec. 30, 2001
Nov. 1, 2001	<b>Dec. 3, 2001</b>	Dec. 31, 2001	Jan. 30, 2002
Nov. 15, 2001	<b>Dec. 17, 2001</b>	Dec. 31, 2001	Jan. 30, 2002

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

# Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 2000), are available in the listed depository libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	River Bluffs Regional Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151	Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6292
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Missouri Western State College Hearnes Learning Resources Ctr. 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library University of Missouri-Rolla 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2756	Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948	Kinderhook Regional Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148
Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri Southern State College Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9770	ESTEP Library Southwest Baptist University 1601 S. Springfield Street Bolivar, MO 65613-2597 (417) 326-5281
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	Charles F. Curry Library William Jewell College 500 College Hill Liberty, MO 64068-1896 (816) 781-7700	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3075	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6484	Ward Edwards Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300	Kansas City Public Library 311 East 12th St. Kansas City, MO 64106-2454 (816) 701-3400	Elmer Ellis Library University of Missouri-Columbia 104 Ellis Library Columbia, MO 65211-5149 (573) 882-6733	West Plains Campus Library Southwest Missouri State University 123 N. Minnesota West Plains, MO 65775-3414 (417) 256-9865
Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65201-7298 (573) 882-7083	Springfield-Greene County Library PO Box 737, 397 E. Central Springfield, MO 65801-0760 (417) 869-4621
St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (314) 978-7997	University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-1281	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161	Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416			

## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are cited in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.



## **FROM THIS ANGLE . . . .**

### **Thanks to all of you!**

The Administrative Rules Division would like to thank you for your attendance and participation in our first rulemaking class held on Thursday, May 31<sup>st</sup>. We hope you found this first *organizational* meeting interesting and informative, and, we hope you will pass on any additional thoughts or tips you may have to share since our first meeting. We want this *new and improved* Rulemaking Manual to be as helpful and "user friendly" as possible. We appreciate your help and your input and believe through coordinated efforts this *new and improved* manual will soon be a reality.

### **Delegation of Authority - REMINDER!!!**

With the change of administration, please remember we need to have letters on file stating who the Directors are in your Department/Division and, also, please remember to provide us with a written record of the pertinent signature. In the event someone else is authorized to sign for your Director in his or her absence, please provide us with those signatures as well. It is extremely important for us to obtain this information from you to maintain in our files, so that we allow filing of rules on behalf of your agency only by those persons designated to do so by your agency. Thanks in advance for your attention to this request.

### **Final orders of rulemaking**

Just a reminder . . . when filing an order please insert the full text of **all** sections or subsections included in the order, even if you did not change the text as printed in the proposed rulemaking.

### **"Tip" -- Deleting text in a proposed amendment**

Just a tip. In any proposed rulemaking, please be certain that you submit text inside the brackets shown in *Italics* typeface. This will avoid any possible error in reflecting your deleted text. Example: [*In order to remove an item, please remember to utilize Italics inside your brackets. . . .*]

**Welcome two new faces!!**

We have two new employees in the Administrative Rules Division.

John Stegmann comes to us from Wolfner Library and is our new Composing Equipment Operator I. John began with this division on May 1 and is doing a great job for us!

Sarah Strobel is our new Administrative Aide I and comes to us from the State Library. Sarah will be our backup receptionist and also an additional proofreader. Sarah joined our staff on May 16<sup>th</sup> and is rapidly learning our process.

We are happy to have both John and Sarah as a part of this division - and know you will want to welcome them when you are in the office to file your rules.

As always, if you have any questions, concerns or problems, or, if we may be of any assistance to you in any way, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynne C. Angle".

Lynne C. Angle, Director  
Administrative Rules Division

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 40—Division of Fire Safety  
Chapter 5—Elevators**

**EMERGENCY AMENDMENT**

**11 CSR 40-5.065 Missouri Minimum Safety Codes for Existing Elevator Equipment.** The division is amending subsection (1)(H).

*PURPOSE: The purpose of this amendment is to ensure that all elevators and similar equipment regulated under the Missouri Elevator Safety Act in Missouri obtain safety inspections this year.*

*EMERGENCY STATEMENT: The Division of Fire Safety finds that an immediate danger to the public health, safety and welfare exists. The legislature has found that elevators and similar equipment regulated under the Missouri Elevator Safety Act should be inspected and tested annually to prevent the operation of unsafe equipment. Due to the number of existing elevator installations around the state having been installed during a period of time when no state enforced codes existed, a large number of these installations do not meet the minimum elevator safety standards adopted by the Elevator Safety Board. Existing equipment that does not meet the minimum state standard must apply for a variance. For existing installations, this proposed amendment will provide for a "grandfathering clause" allowing specific conditions to*

*remain at a status quo and eliminate a timely variance process. Eliminating the need to follow variance procedures and reviews, will allow additional time to be devoted to more immediate safety issues, protecting the public from unsafe situations. The scope of this amendment is limited to the circumstances creating the emergency and complies with the protection extended by the Missouri and United States Constitution. Emergency amendment filed April 30, 2001, effective May 10, 2001, expires November 5, 2001.*

(1) The following standards apply to all existing elevator equipment installed prior to the effective date of these rules and regulations as provided in 11 CSR 40-5.060. Any installation which is in compliance with the latest ASME A17.1 version adopted and amended by the Elevator Safety Board, unless as exempted by 701.359, RSMo shall be considered to be in compliance with 11 CSR 40-5.065. The foregoing standards are incorporated by reference in this rule.

(H) Machine Rooms.

1. All means of access to elevator machine rooms shall be of a permanent nature and shall be constructed and maintained in a clear and unobstructed manner.

2. The elevator machine and control equipment shall be located in a separate room or separated **space designed as an elevator machine room or space and shall be accessible only to authorized personnel.** [from other] Existing machines and equipment [by a substantial grill of not less than six feet (6') high.] essential to the operation and purpose of the building are permitted but must not interfere with the safety and work area for maintaining elevator equipment. Where other existing machines and equipment **essential to the operation and purpose of the building are located in the machine room or space, the elevator related equipment and machines shall be separated by a substantial grill constructed of non-combustible material not less than six feet (6') high and /T/**the grill shall be of a design that will reject a ball two inches (2") in diameter. All rooms or enclosures shall have a self-closing and self-locking door **and shall be operable from the interior space without use of a key. After the effective date of this rule, no equipment shall be added to the machine room or space that is not used in connection with the operation of the elevator.**

3. All elevator machine rooms shall be provided with a floor. The floor shall cover the entire area of the machine room and hoistway.

4. Machine room floors shall be kept clean and free of grease and oil. Articles or materials not necessary for the maintenance or operation of the elevator shall not be stored therein. Flammable liquids having a flash point of less than one hundred ten degrees Fahrenheit (110°F) shall not be stored in the machine room.

5. Lighting in the machine room shall be not less than ten (10) foot-candles at floor level.

6. Where there is more than one machine in a room, each machine shall have a different number conspicuously marked on it. The controller, disconnect switch and relay panels for each machine shall be conspicuously numbered to correspond to the machine it controls.

7. All electrical equipment in the machine room shall be grounded which shall conform to ASME A17.1 and NFPA 70 (NEC).

8. All electrical wiring in the machine room and hoistway shall be enclosed in metal conduit, flexible conduit or metal raceways.

9. Each elevator having polyphase alternating current power supply shall be provided with means to prevent the starting of the elevator motor if:

A. The phase rotation is in the wrong direction; or

B. There is a failure of any phase. This protection shall be considered provided in the case generator-field control having alternating current motor-generator driving motors, provided a reversal of phase will not cause the elevator driving-machine motor to operate in the wrong direction. Controllers whose switches are operated by polyphase torque motors provide inherent protection against phase reversal or failure.

*AUTHORITY: section 701.355, RSMo [1994] 2000. Original rule filed Aug. 26, 1998, effective July 1, 1999. Amended: Filed Aug. 17, 2000, effective Feb. 28, 2001. Emergency amendment filed April 25, 2001, effective May 10, 2001, expires Nov. 5, 2001. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

#### Title 19—DEPARTMENT OF HEALTH

##### Division 25—Division of Administration

#### Chapter 30—Determination of Blood Alcohol by Blood, Breath, Saliva and Urine Analysis; and Determination for the Presence of Drugs in Blood and Urine

#### EMERGENCY AMENDMENT

**19 CSR 25-30.011 General Provisions for the Determination of Blood, Breath, Saliva or Urine Analysis and Drug Testing.** The department proposes to amend sections (1) and (3).

*PURPOSE: This amendment is being made to add additional statutes that are covered by this chapter.*

*EMERGENCY STATEMENT: This emergency amendment will help assure public health and safety by adding additional statutes that are covered by this chapter, thus assuring breath tests pursuant to Missouri State Water Patrol Water Safety Regulations, Sections 306.III–306.II9, RSMo for operating a vessel with excessive blood alcohol content will be admissible into evidence during legal proceedings. The department finds an immediate danger to the public health safety and welfare that this amendment alleviates, as it will help prosecute intoxicated vehicle and vessel operators and follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. As a result, Missouri Department of Health finds an immediate danger to the public health, safety and welfare and a compelling governmental interest, which requires emergency action. This amendment complies with the protections extended by the Missouri and United States Constitutions. The scope of this emergency amendment limits itself to adding additional statutes that are covered by this chapter. This emergency amendment was filed on May 10, 2001, effective May 22, 2001 and expires November 17, 2001.*

(1) Only those laboratories or persons performing analysis of blood, breath, urine or saliva for the determination of blood alcohol content, or of blood and urine for the presence of drugs—at the direction of a law enforcement officer acting under provisions of sections 577.020–577.039, RSMo and 577.041, RSMo and **306.111–306.119 RSMo**—are subject to the rules of this chapter.

(3) The chemical analysis of a person's blood, breath, urine or saliva conducted under the provisions of 577.020–577.039, RSMo, and 577.041, RSMo, and **306.111–306.119 RSMo**, shall be performed by licensed medical personnel or by personnel possessing a valid permit issued by the department.

*AUTHORITY: sections [192.005.2] 192.006, 306.114, 306.117, 577.020, 577.026, 577.029, 577.031, 577.033, 577.039, [RSMo 1986] 577.023, 577.041, [RSMo Supp. 1991] and 577.037, RSMo [1988] 2000. This rule previously filed as 19 CSR 20-30.011. Original rule filed July 15, 1988, effective Sept. 29, 1988. Changed to 19 CSR 25-30.011 January 1, 1995. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 10, 2001, effective May 22, 2001, expires Nov. 17, 2001. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

#### Title 19—DEPARTMENT OF HEALTH

##### Division 25—Division of Administration

#### Chapter 30—Determination of Blood Alcohol by Blood, Breath, Saliva and Urine Analysis; and Determination for the Presence of Drugs in Blood and Urine

#### EMERGENCY AMENDMENT

**19 CSR 25-30.050 Approved Breath Analyzers.** The department proposes to amend section (1) and add a new section (3).

*PURPOSE: This amendment is being proposed to approve the Alco-Sensor IV for use with an Intoximeter, Inc. printer in addition to the RBT IV and a new section is being added to assure that breath tests performed on the Alco-Sensor IV/RBT IV prior to this amendment will continue to be considered valid. Also, this amendment removes the Intoxilyzer models 1400 and 5000CD which are no longer in production or in use in the state of Missouri.*

*EMERGENCY STATEMENT: This amendment is being proposed to approve the Alco-Sensor IV for use with an Intoximeter, Inc. printer in addition to the RBT IV and a new section is being added to assure that breath tests performed on the Alco-Sensor IV/RBT IV prior to this amendment will be considered valid. Also, this amendment removes the Intoxilyzer models 1400 and 5000CD which are no longer in production or in use in the state of Missouri. This emergency amendment will help assure public health and safety by ensuring that breath tests for excessive blood alcohol content performed on the Alco-Sensor IV used with an Intoximeter, Inc. printer in addition to the RBT IV will be admissible into evidence during legal proceedings. This amendment will further ensure that breath tests for excessive blood alcohol content performed on the Alco-Sensor IV/RBT IV prior to the amendment will continue to be valid and admissible in legal proceedings. The department finds an immediate danger to the public health, safety and welfare that this amendment alleviates, as it will help prosecute cases of excessive blood alcohol content and follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. As a result, Missouri Department of Health finds an immediate danger to the public health, safety and welfare and a compelling governmental interest, which requires emergency action. This amendment complies with the protections extended by the Missouri and United States Constitutions. The scope of this emergency amendment limits itself to approving the Alco-Sensor IV for use with an Intoximeter, Inc. printer in addition to the RBT IV. Also, this amendment removes the Intoxilyzer models 1400 and 5000CD that are no longer in production or in use in the state of Missouri. This emergency amendment was filed on May 10, 2001, effective May 22, 2001 and expires November 17, 2001.*

(1) Approved breath analyzers are—

NAME OR ITEM	MANUFACTURER
Alco-Sensor IV/[RBT IV] with printer*	Intoximeters, Inc., St. Louis, MO
BAC Verifier and DataMaster	National Patent Analytical Systems, Inc., Mansfield, OH (formerly a subsidiary of National Patent Development Corporation, East Hartford, CT, formerly Verax Systems, Inc., Fairport, NY)
[Intoxilyzer 1400 *	CMI/MPH, Operations of MPD, Inc. Owensboro, KY (formerly a subsidiary of Federal Signal Corp., Minturn, CO)]
Intoxilyzer, Models 5000 [and 5000 CD]	CMI/MPH, Operations of MPD, Inc., Owensboro, KY (formerly CMI, Inc., a subsidiary of Federal Signal Corp., Minturn, CO)

\*The Alco-Sensor IV [RBT IV and Intoxilyzer 1400 are] with printer is approved for use as a bench-top instrument/s] to be located within buildings or specially equipped trucks or vans specifically used for driving-while-intoxicated enforcement. [These] This instrument/s are] is not approved for mobile use in cars, boats or outside areas.

(3) Breath tests performed on the Alco-Sensor IV/RBT IV prior to the effective date of this rule shall be considered valid under this rule if such tests were completed in compliance with the rules in effect at the time the test was conducted.

*AUTHORITY:* sections 192.006, 306.114, 306.117, 577.020, 577.037, 577.039, [and] 577.041, [RSMo Supp. 1997 and] 577.023, 577.026, 577.029, 577.031 and 577.033, RSMo [1994] 2000. This rule was previously filed as 13 CSR 50-140.050 and 19 CSR 20-30.050. Original rule filed Oct. 1, 1965, effective Oct. 13, 1965. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 10, 2001, effective May 22, 2001, expires Nov. 17, 2001. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH  
Division 25—Division of Administration  
Chapter 30—Determination of Blood Alcohol by Blood,  
Breath, Saliva and Urine Analysis; and Determination  
for the Presence of Drugs in Blood and Urine**

**EMERGENCY AMENDMENT**

**19 CSR 25-30.070 Approval of Methods for the Determination of Blood Alcohol Content From Samples of Blood, Urine or Saliva.** The department proposes to amend section (1).

*PURPOSE:* This amendment is being made to add additional statutes that are covered by this chapter.

*EMERGENCY STATEMENT:* This emergency amendment will help assure public health and safety by adding additional statutes that are covered by this chapter thus assuring breath tests pursuant to Missouri State Water Patrol Safety Regulations, Sections 306.111-306.119, RSMo for operating a vessel with excessive blood alcohol content will be admissible into evidence during legal proceedings. The department finds an immediate danger to the public health, safety and welfare that this amendment alleviates, as it will help prosecute intoxicated vehicle and vessel operators and follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. As a result, Missouri Department of Health finds an immediate danger to the public health, safety and welfare and a compelling governmental interest, which requires emergency action. This amendment complies with the protections extended by the Missouri and United States Constitutions. The scope of this emergency amendment limits itself to adding additional statutes that are covered by this chapter. This emergency amendment was filed on May 10, 2001, effective May 22, 2001, and expires November 17, 2001.

(1) Blood samples shall be taken in accordance with the provisions of section 577.029, and 306.111-306.119 RSMo.

*AUTHORITY:* sections [192.005.2] 192.006, 306.114, 306.117, 577.020, 577.026, 577.029, 577.031, 577.033, 577.039, [RSMo [1986]] 577.023, 577.041, [RSMo Supp. 1991] and 577.037, RSMo [Supp. 1988] 2000. This rule previously filed as 19 CSR 20-30.070. Emergency rule filed May 21, 1987, effective May 31, 1987, expired Sept. 28, 1987. Original rule filed May 21, 1987, effective Aug. 27, 1987. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 10, 2001, effective May 22, 2001, expires Nov. 17, 2001. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH  
Division 25—Division of Administration  
Chapter 30—Determination of Blood Alcohol by Blood,  
Breath, Saliva and Urine Analysis; and Determination  
for the Presence of Drugs in Blood and Urine**

**EMERGENCY AMENDMENT**

**19 CSR 25-30.080 Approval of Methods for the Analysis of Blood and Urine for the Presence of Drugs.** The department proposes to amend section (1).

*PURPOSE:* This amendment is being made to add additional statutes that are covered by this chapter.

*EMERGENCY STATEMENT:* This emergency amendment will help assure public health and safety by adding additional statutes that are covered by this chapter thus assuring breath tests pursuant to Missouri State Water Patrol Water Safety Regulations, Sections 306.111-306.119, RSMo for operating a vessel with excessive blood alcohol content will be admissible into evidence during legal proceedings. The department finds an immediate danger to the public health, safety and welfare that this amendment alleviates, as it will help prosecute intoxicated vehicle and vessel operators and follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. As a result, Missouri Department of Health finds an immediate danger to the public health, safety and welfare and a compelling governmental interest, which requires emergency action. This amendment complies with

*the protections extended by the Missouri and United States Constitutions. The scope of this emergency amendment limits itself to adding additional statutes that are covered by this chapter. This emergency amendment was filed on May 10, 2001, effective May 22, 2001, and expires November 17, 2001.*

(1) Samples of blood or urine shall be collected in accordance with the provision of section 577.029, **and 306.111-306.119** RSMo and a sufficient volume of sample shall be collected to provide for duplicate testing.

*AUTHORITY: sections [192.005.2] 192.006, 306.114, 306.117, 577.020, 577.026, 577.029, 577.031, 577.033, 577.039, [RSMo 1986] 577.023, 577.041, [RSMo Supp. 1991] and 577.037, RSMo [Supp. 1988] 2000. This rule previously filed as 19 CSR 20-30.080. Original rule filed July 15, 1988, effective Sept. 29, 1988. Changed to 19 CSR 25-30.080 Jan. 1, 1995. Emergency amendment filed May 10, 2001, effective May 22, 2001, expires Nov. 17, 2001. A proposed amendment covering this same material is published in this issue of the Missouri Register.*